

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE NEW YORK DISTRICT COUNCIL OF  
CARPENTERS PENSION FUND, NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS WELFARE  
FUND, NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS VACATION FUND, NEW YORK  
CITY DISTRICT COUNCIL OF CARPENTERS  
ANNUITY FUND, NEW YORK CITY DISTRICT  
COUNCIL OF CARPENTERS APPRENTICESHIP,  
JOURNEYMAN RETRAINING, EDUCATIONAL  
AND INDUSTRY FUND, NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS CHARITY  
FUND, by their Trustees Michael J. Forde and Paul  
O'Brien, and NEW YORK CITY AND VICINITY  
CARPENTERS LABOR-MANAGEMENT  
CORPORATION,

07-CV-08008 (RJS)

Plaintiffs,

-against-

KW CONSTRUCTION INC., as Successor to K W  
GENERAL CONTRACTOR, INC. and JOHN WHYTE  
d/b/a KW CONSTRUCTION, INC., and JOHN  
WHYTE, individually,

Defendants.

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NICHOLAS HANLON, declares as follows pursuant to 28 U.S.C. §1746:

1. I am a member of O'Dwyer & Bernstein, LLP attorneys for plaintiffs herein, and submit this declaration in support of the within motion for an order of attachment.
2. Attached hereto as Exhibit 1 is a true and correct copy of the collective bargaining agreement between defendant KW Construction Inc. ("KW") and the District Council for New York City and Vicinity of the United Brotherhood of Carpenters and Joiners of America ("the District Council") effective from July 1, 2001 to June 30, 2006.

3. Attached hereto as Exhibit 2 is a true and correct copy of the collective bargaining agreement between KW and the District Council effective from July 1, 1996 to June 30, 2001.

4. Attached hereto as Exhibit 3 is a true and correct copy of the Interim Compliance Agreement between KW and the District Council effective from July 1, 1996 to June 30, 2001.

5. Attached hereto as Exhibit 4 is a true and correct copy of the arbitration award issued against KW in favor of plaintiffs on December 11, 2004.

6. A true and correct copy of the letter sent by the Funds to KW on March 24, 2004 is annexed hereto as Exhibit 5.

7. A true and correct copy of check number 1026, produced by Union Savings Bank pursuant to a third party subpoena served by this office, is annexed hereto as Exhibit 6.

8. A true and correct copy of the deed and Westchester County Recording and Endorsement Page associated with the September 22, 2004 transfer of the property located at 17 Highland Avenue, Yonkers, is attached as Exhibit 7

9. A true and correct copy of check number 0894, produced by JP Morgan Chase Bank pursuant to a third party subpoena served by this office, is annexed hereto as Exhibit 8.

10. A true and correct copy of the February 9, 2005 letter from O'Dwyer & Bernstein, LLP to Whyte and KW is attached hereto as Exhibit 9.

11. A true and correct copy of the deed and Westchester County Recording and Endorsement Page associated with the March 7, 2005 transfer of the property located at 225 Millwood Road, Chappaqua, New York is attached as Exhibit 10.

12. A true and correct copy of the deed and Westchester County Recording and Endorsement Page associated with the March 7, 2005 transfer of the property located at 652 Central Park Avenue, Yonkers, New York, is attached as Exhibit 11.

13. Attached hereto as Exhibit 12 is a true and correct copy of an affidavit given by Bienvenido Rivera on May 22, 2007.

14. A true and correct copy of the Affidavit of Service of the summons and complaint served upon defendant Whyte in Docket Number 05-CV-4021 is attached hereto as Exhibit 13.

15. A true and correct copy of check number 1170, produced by Webster Bank pursuant to a third party subpoena served by this office, is annexed hereto as Exhibit 14.

16. A true and correct copy of check number 1194, produced by Webster Bank pursuant to a third party subpoena served by this office, is annexed hereto as Exhibit 15.

17. A true and correct copy of the Affidavit of defendant John Whyte sworn to on October 28, 2005, is attached hereto as Exhibit as 16.

18. A true and correct copy of the deed and Orange County Clerk's Office Recording Page associated with the February 22, 2006 transfer of the property located 1700 Route 17M, Goshen, New York, is annexed hereto as Exhibit 17.

19. A true and correct copy of the Administration Form filled out by defendant John Whyte and filed with the District Council is attached hereto as Exhibit 18.

20. No relief similar to that request herein has been sought in this action. In a related case, the same plaintiffs have sought to execute a judgment against property of some of the same defendants.

21. An online search of the New York State Department of State Division of Corporations database reveals that no entity with the name "KW Construction Inc." has ever been incorporated in the state of New York

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
March 7, 2008

  
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NICHOLAS HANLON